

# Regulatory Committee

**Dorset County Council**



Date of Meeting	6 December 2018
Officer	Maxine Bodell – Head of Planning
Subject of Report	<b>Delegation of powers to Bournemouth Borough Council to enable them to decide a planning application for the development of a new road junction and associated works on the A338 Wessex Way to provide a link to the Wessex Fields Business Park and the Royal Bournemouth Hospital (Application No 8/18/3149/DCC).</b>
Executive Summary	<p>Bournemouth Borough Council and Dorset County Council as joint planning applicants have resubmitted proposals to both Bournemouth Borough Council and Dorset County Council to seek permission for a new road junction on the A338. This follows some amendments to the original proposal which warrant a fresh application. The previous application has now been withdrawn. This does not alter the purpose or substantive details of the original scheme but, in accordance with delegation procedures, DCC will again need to formally delegate its powers to Bournemouth to determine the resubmitted application.</p> <p>Previously the decision to delegate the determination of the planning application to Bournemouth was made by County Council following a recommendation from Regulatory Committee. However, the next meeting of County Council is not until 28 March 2019 which would delay the consideration of this strategically important infrastructure project. Given the time imperative it is proposed that the matter instead be referred to the Chief Executive who has power to authorise the delegation (to Bournemouth Borough Council in this case) under the provisions of DCC's Constitution in cases of urgency. Consistent with the approach that was taken previously a recommendation from the Regulatory Committee is being sought before the matter is considered by the Chief Executive.</p>

Impact Assessment:	<p>Equalities Impact Assessment: The report concerns the determination of an application for planning permission and not any changes to any new or existing policy with equality implications.</p>
	<p>Use of Evidence: The statutory and constitutional provisions to transfer planning powers has been fully examined.</p>
	<p>Budget: The County Council does not receive a fee for this application, the fee being made to Bournemouth Borough Council, in whose jurisdiction the substantive part of the application lies. Delegating the powers to determine the application to Bournemouth Borough Council therefore reduces the financial burden on the County Council who would otherwise have to bear all the costs of work itself.</p>
	<p>Risk Assessment: As the subject matter of this report is the determination of a planning application the County Council's approved Risk Assessment methodology has not been applied. However, as set out in the main body of the report the principle reason for seeking the delegation of powers to determine the planning application is to remove the potential risk of challenge that could arise from two planning authorities interpreting and carrying out planning procedures in a slightly different way.</p>
	<p>Other Implications: None</p>
Recommendation	<p>That Regulatory Committee advises the Chief Executive that it supports the proposal to delegate the planning application for a new road junction on the A338 at Wessex Field to Bournemouth Borough Council to determine.</p>
Reason for Recommendation	<p>To avoid duplication of work and to reduce the potential risk of a legal challenge arising from two different planning authorities interpreting and carrying out planning procedures in a slightly different way.</p>
Appendices	<p>Appendix 1: Recommendation from Regulatory Committee considered by County Council on 15 February 2018  Appendix 2: Summary of Amendments  Appendix 3: Plan of revised scheme</p>
Background Papers	<p>None</p>
Officer Contact	<p>Name: Michael Garrity  Tel: 01305 224228  Email: m.bodell@dorsetcc.gov.uk</p>

## **1. Background**

- 1.1 The Bournemouth International Growth (BIG) Programme is a major economic growth plan focused on improving connectivity, easing congestion, protecting existing jobs and creating new ones in and around Bournemouth Airport and Wessex Fields. A key part of the programme is major investment in road improvements, including the Wessex Fields scheme.
- 1.2 In December 2017 a planning application (8/18/0004/DCC) was made for a new road junction and associated works on the A338 Wessex Way at Wessex Fields to open employment land at the Wessex Fields Business Park and provide better access to the Royal Bournemouth Hospital. The majority of the application fell within the administrative area of Bournemouth Borough Council. However, a very small proportion of the area also fell within Dorset County Council's administrative area. In January 2018 the Regulatory Committee advised the County Council that it supported the proposal to delegate for determination the planning application for a new road junction on the A338 at Wessex Fields to Bournemouth Borough Council. The County Council duly agreed to this. The recommendation before the County Council at its meeting of 15 February 2018 is attached at Appendix 1.
- 1.3 Following a consultation exercise on the original application (8/18/0004/DCC), Bournemouth Borough Council has sought some amendments to the scheme to address matters raised by statutory consultees and other stakeholders. Bournemouth Borough Council has concluded that the amendments are sufficient to require a fresh planning application and so the previous scheme has been withdrawn and fresh application made to both Bournemouth Borough Council and Dorset County Council. The amendments do not alter the proportion of the scheme that is within Dorset County Council's administrative area. A summary of the amendments forms Appendix 2 to this report.

## **2. Delegation**

- 2.1 Section 101 of the Local Government Act 1972 makes provision to enable one local authority to delegate the discharge of its functions to another local authority.
- 2.2 The Regulatory Committee determines planning applications and other roads and rights of way matters under powers delegated to it from the County Council. A decision to delegate the authority for determining application to Bournemouth Borough Council needs to be made by the County Council or appropriate executive powers under the terms of Dorset County Council's Constitution. As there is no meeting of the County Council until the end of March it will be necessary to secure a decision from the Chief Executive in advance of this meeting to avoid delaying a decision on the proposal so that the scheme, if approved, can be implemented in a timely fashion. Consistent with the approach taken with the previous application it is thought proper that the Regulatory Committee advises on its views.
- 2.3 Officers have been in discussion with officers at Bournemouth Borough Council. In view of the local interest being shown in this proposal Bournemouth Borough Council welcome the opportunity to determine the application in order to avoid any duplication of processes or decision making.

## **3. Implications for the County Council**

- 3.1 The County Council sits on the LEP Board and has supported proposals for improving the airport corridor. The BIG programme represents a major government investment

in road infrastructure funded through the Growth Deal which is locally administered through the LEP. It is sensible that the County Council takes what steps it can to reduce any risks associated with the delivery of the programme as unspent money would be returned to central government

- 3.2 The site of the application covers land in the administrative areas of both Bournemouth Borough Council and Dorset County Council. The application has therefore been made jointly by Bournemouth Borough Council and Dorset County Council to each of the two planning authorities in respect of the land in each authority's area. The substantive part of the application lies within Bournemouth Borough Council. Only a very small area amounting to approximately 10,000 square meters lies within Dorset. A plan at Appendix 3 shows the relative amounts.
- 3.3 Applications associated with growth are inevitably and rightly subject to scrutiny by interested parties. Having two authorities dealing with the proposal does run the risk that procedures may be carried out slightly differently by each authority. For instance, each Authority will have its own Statement of Community Involvement which sets out the procedures for engaging with stakeholders and local people. These may require different people to be consulted and in different ways. A more consistent approach is best delivered by a single authority. This would significantly reduce the potential that a legal challenge could be made that local people were not being given the same opportunities to influence the process.
- 3.4 As the Authority considering the substantive part of the proposed junction improvement, the planning fee is paid to Bournemouth Borough Council. No fee is paid to the County Council. It therefore makes sense that if delegation is being considered from one authority to another that it is Bournemouth Borough Council who take responsibility for processing and deciding the application.
- 3.5 Whilst responsibility for determining the application would rest with Bournemouth Borough Council the considerations that apply would be identical. Any decision should therefore be the same. Clearly the County Council local members would still be consulted as part of the process and would have the same opportunity to make their views known.

#### **4. Conclusion**

- 4.1 Dorset County Council has previously delegated authority to Bournemouth Borough Council to determine the planning application for the new junction at Wessex Fields in accordance with a recommendation from Regulatory Committee. Following consultations the scheme has been amended and a fresh planning application submitted. The amended scheme has no different implications for the small area of land in Dorset. On balance, it is considered that delegating authority from Dorset County Council to Bournemouth Council to determine the application would carry less risk than should each authority deal with the applications separately in the normal way. Furthermore, there would be the added benefit that there would be less duplication in work and less of a financial burden on the County Council.

**Maxine Bodell**  
Head of Planning